

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 16-2930 JB

v.

CEDRIC LANEHAM,

Defendant.

**MOTION TO WITHDRAW AS COUNSEL AND FOR APPOINTMENT OF NEW
COUNSEL**

John C. Anderson, as appointed counsel pursuant to the Criminal Justice Act, respectfully moves this Court to permit him to withdraw as counsel for Defendant Cedric Lee and to appoint new counsel for Mr. Lee. As grounds, undersigned counsel states as follows:

1. On June 30, 2016, a grand jury returned an indictment charging Defendant with violations of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(B). Doc. 2. On July 7, 2016, Chief Judge Molzen issued an Order appointing undersigned counsel to represent Defendant Lee pursuant to the Criminal Justice Act. Doc. 10.
2. Defendant was arraigned on these charges on July 12, 2016 before the Honorable Karen B. Molzen. Doc. 19. Trial of this matter is currently scheduled for October 19, 2016. Doc. 51. Defendant is currently in custody pending trial pursuant to a detention order. Doc. 23.
3. Undersigned counsel has reviewed the discovery provided by the government and has analyzed the evidence against Mr. Lee. In connection with this effort, undersigned counsel has met with Mr. Lee on several occasions, both in person

and by phone, to discuss this case and the possible avenues to resolution. In the course of those discussions, however, the relationship between Mr. Lee and undersigned counsel has steadily deteriorated. At this point, the communication between undersigned counsel and Mr. Lee has broken down to the point that there is no longer a functioning or productive attorney-client relationship and effective communication is no longer possible.

4. Undersigned counsel has made efforts to repair this relationship. In particular, counsel has sought to ensure Mr. Lee that counsel is seeking to advance his interests and to answer any questions Mr. Lee may have concerning his case. Undersigned counsel has also taken such affirmative steps as have been requested by Mr. Lee. Nonetheless, counsel's efforts to repair this relationship have been unsuccessful and Mr. Lee has expressed a complete lack of confidence in undersigned counsel's willingness and ability to advance his interests in this case. Despite undersigned counsel's diligent efforts to repair the attorney-client relationship, undersigned counsel respectfully submits that the attorney-client relationship between himself and Mr. Lee is beyond repair.
5. Undersigned counsel respectfully submits that this breakdown in the attorney-client relationship justifies and requires the appointment of new counsel for Mr. Lee.
6. Undersigned counsel understands that Mr. Lee is in agreement with the relief sought herein.
7. Undersigned counsel has not sought the position of the government on this motion as this motion does not implicate the government's interest.

CONCLUSION

For the foregoing reasons, undersigned counsel respectfully requests that he be permitted to withdraw as counsel for Defendant Cedric Lee in this matter. Undersigned counsel further request that the Court appoint new counsel to represent Defendant for the remainder of these proceedings.

Respectfully submitted,

HOLLAND & HART LLP

/s/ John C. Anderson

By _____

John C. Anderson
110 N. Guadalupe, Suite 1
Post Office Box 2208
Santa Fe, New Mexico 87504-2208
TEL: (505) 988-4421
FAX: (505) 983-6043

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2016, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

AUSA Norman Cairns
AUSA David Walsh
Counsel for Plaintiff United States

Alonzo Padilla, Esq.
Counsel for Defendant Dwayne Cunningham

B.J. Crow, Esq.
Counsel for Defendant Devell Devoual

/s/ John C. Anderson
John C. Anderson